

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Seventy-first meeting of the Standing Committee
Geneva (Switzerland), 16 August 2019

SUMMARY RECORD

1. Opening remarks of the Chair

The Chair welcomed the new CITES Secretary-General and the participants and gave an opening address.

2. Opening remarks of the Secretary-General

The Secretary-General also welcomed the participants and gave an opening address.

Procedural matters

3. Agenda

The Chair introduced document SC71 Doc. 3 (Rev. 2).

The Standing Committee adopted the provisional agenda in document SC71 Doc. 3 (Rev. 2).

There were no interventions.

4. Adoption of the Rules of Procedure

The Chair introduced document SC71 Doc. 4.

The Standing Committee adopted the Rules of Procedure of the Standing Committee contained in the Annex to document SC71 Doc. 4

There were no interventions.

5. Credentials

The Secretariat introduced this agenda item.

The Standing Committee noted that the Secretariat will report on credentials later in the day, as appropriate.

There were no interventions.

6. Admission of observers

The Chair introduced document SC71 Doc. 6.

The Standing Committee noted the list of organizations that had been invited to attend the meeting as contained in document SC71 Doc. 6.

There were no interventions.

Meetings of the Conference of the Parties

7. Arrangements for the 17th meeting of the Conference of the Parties

7.1 Election of officers

The Chair introduced agenda item 7.1. The selection panel established by the Standing Committee had identified the following nominees:

Chair of the Conference:	Mr. Thomas Jemmi (Switzerland)
Alternate Chair of the Conference:	Ms. Awilo Ochieng Pernet (Switzerland)
Vice-Chairs of the Conference:	Mr. Maurice Isaacs (Bahamas) and Mr. James Lutalo (Uganda)
Committee I:	Mr. Rod Hay (New Zealand)
Committee II:	Mr. Craig Hoover (United States of America)
Credentials Committee:	Ms. Miet Van Looy (Belgium)

The Standing Committee confirmed the nominations to be recommended to the 18th meeting of the Conference of the Parties.

7.2 Other matters

The Secretariat drew the attention of the Standing Committee and of the Parties on the revised working programme for the Conference of the Parties and changed times of the plenary session and of the regional meetings on the first day.

The Standing Committee noted the oral update by the Secretariat.

Existing Resolutions and Decisions

8. Review of Resolutions

The Secretariat introduced document SC71 Doc. 8.

The Standing Committee agreed to the proposed corrections of the non-substantive errors outlined in SC71 Doc. 8.

There were no interventions.

General compliance and enforcement

9. National laws for implementation of the Convention

The Secretariat introduced document SC71 Doc. 9, noting that Sao Tome and Principe should be added to the list of countries included in paragraph 15. The Secretariat highlighted that the legislation of two additional Parties, Angola and Malawi, has been placed in Category 1, and that the legislation of Mauritania has been placed in Category 2. It also reported that progress had been made with a number of dependent territories since the last legislative status table was published in late April 2019. The Secretariat highlighted three categories of Parties where particular attention is required: (1) Parties that have previously been identified by the Standing Committee as requiring its attention as a priority, (2) Parties that had not responded to the formal warning issued by the Standing Committee at its 70th meeting, and (3) a group of Parties in the Caribbean which do not have adequate legislation for implementation of the Convention. With regard to this last group, the Secretariat noted that it was currently discussing with the Secretariat of CARICOM to initiate a collaboration to address the situation.

Committee Members and Parties noted the importance of adequate national legislation for effective implementation of the Convention, and commended Angola, Malawi and Mauritania on their progress. They

additionally noted that small Parties with limited capacity may find progress in this area more challenging, and supported ongoing targeted assistance in this regard.

A Committee Member suggested that the Standing Committee should request the Secretariat to issue a second formal warning to Parties that had not reported any progress since CoP17, noting that if no progress was made by its 73rd meeting, these Parties should be subject to a recommendation to suspend trade.

Mozambique provided an update on the progress it has made towards adopting adequate legislation and affirmed that it remains committed to developing national legislation that will allow it to fully implement the Convention.

The Standing Committee commended Angola and Malawi for the placement of their legislation in Category 1 and Mauritania for its legislative progress.

The Standing Committee agreed to consider at its 73rd meeting appropriate compliance measures in relation to those Parties requiring its attention as a priority that have not adopted adequate legislation by that time or have not taken significant and substantive steps to do so.

The Standing Committee requested the Secretariat to send a second warning letter to those Parties that have still not reported any legislative progress to the Secretariat (Dominica, Grenada, Libya, Oman, Saint Kitts and Nevis, Saint Vincent and the Grenadines, and Sao Tome and Principe) and agreed to recommend a suspension of trade at its 73rd meeting if no substantive legislative progress has been made at that time.

During discussion of this agenda item, interventions were made by the representatives of Europe (Israel and Portugal), North America (Canada) and Oceania (New Zealand) and by Mozambique and the United States of America.

10. Application of Article XIII

10.1 Application of Article XIII in the Lao People's Democratic Republic

The Secretariat introduced document SC71 Doc. 10.1, noting that the Lao People's Democratic Republic has continued to show commitment to work towards implementation of the Convention, but that it was clear that the Party can and should make further progress to ensure compliance. The Secretariat further noted that, since document SC71 Doc. 10.1 was finalized, further activities have taken place. This include the submission by the Lao People's Democratic Republic of a revised National Ivory Action Plan (NIAP) for 2019-2022, which is currently being assessed by the Secretariat and the organization of a workshop on implementation of the ICCWC Wildlife and Forest Crime Analytic Toolkit and a national self-assessment based on the ICCWC Indicator Framework.

The Lao People's Democratic Republic (PDR) provided an overview of activities undertaken to meet the recommendations issued to it at its 69th and 70th meetings, including details of convictions and prosecutions currently underway. Lao PDR recognized that efforts were still needed, particularly with regard to strengthening enforcement, ensuring coordination with other countries in the region, adopting legislation to close current loopholes, and completing the full audit of tigers kept in captivity. Lao PDR stated its continued commitment to make efforts to meet the recommendations by the Standing Committee at its 69th and 70th meetings in full.

Committee Members and Parties commended Lao PDR for its progress and commitment to implement the recommendations directed to it by the Standing Committee. Member of the Committee noted with concern the length of time indicated by Lao PDR to review the current Wildlife and Aquatic Law and relevant regulations. It further noted that Lao PDR had made limited seizures of key species including bear, lion, tiger and pangolin. It welcomed the recent Decision by Lao PDR to regulate captive breeding and noted that measures would need to be taken to ensure that the proposed conversion of existing tiger farms into safaris or zoos did not trigger further trafficking.

Committee Members and Parties noted that the reporting deadlines for Lao PDR should be aligned with those of Guinea, i.e. 90 days prior to SC73. If no significant progress is made by SC73, Parties and Committee Members suggested that the Standing Committee consider compliance measures, including recommendation to suspend trade with Lao PDR in specimens of all CITES species.

Observer organizations echoed concerns that the conversion of tiger farms to tourist attractions may not stop trade in body parts. They urged the Standing Committee to agree to a trade suspension.

The Standing Committee recommended that:

Regarding management of exports of Dalbergia spp.

- a) Parties shall continue to suspend commercial trade in specimens of the genus *Dalbergia* spp., including finished products such as carvings and furniture from Lao PDR, until Lao PDR makes scientifically based non-detriment findings for trade in the relevant species, including *D. cochinchinensis* and *D. oliveri*, to the satisfaction of the Secretariat.

Regarding national legislation for the implementation of CITES

- b) Lao PDR shall, as a matter of priority, take substantive and significant steps to develop and adopt adequate legislative measures to implement the Convention that meet the minimum requirements set out in Resolution Conf. 8.4 (Rev. CoP15) on *National laws for implementation of the Convention* drawing on the support provided by the CITES Secretariat and should submit draft legislation for observations by the Secretariat by 31 December 2019.

Regarding CITES Authorities

Lao PDR shall

- c) continue to monitor and address the need for capacity building and training of staff in CITES Management and Scientific Authorities, as well as in customs and border controls on CITES-related matters with the support of the CITES Secretariat;
- d) every six months submit to the Secretariat copies of export permits and other CITES permits and certificates issued by the Management Authority; and
- e) submit the required annual trade report according to the fixed format and deadlines, and submit information with regard to the level of the government-held stockpiles of ivory and of rhinoceros horn in accordance with the recommendations of the Conference of the Parties.

Regarding law enforcement

Lao PDR shall

- f) continue to effectively implement PM Order No. 05/2018 and the revised Penal Code and disseminate these instruments widely among all relevant law enforcement and criminal justice agencies;
- g) continue to effectively implement existing relevant plans, in particular its National Ivory Action Plan (NIAP), and report on progress in implementation according to the fixed formats and deadlines;
- h) continue to progress the implementation of its National Wildlife Crime Response Strategy Plan to tackle illegal trade in wildlife as adopted by Decision MAF No. 1559 (2018);
- i) investigate and prosecute mid- to high-profile cases involving organized or transboundary illegal trade activities, such as those identified by various international partners; and provide to the Secretariat the results (arrests and prosecutions) of any investigations conducted by competent national authorities to determine the origin of specimens in illegal trade, the identities of individuals involved in smuggling, and the results of any legal proceedings against alleged perpetrators for the period February - December 2019 in the illegal trade report format;
- j) continue to work with the law enforcement agencies from China, Malaysia, Singapore, Thailand and Viet Nam, including the context of the Working Group on CITES and Wildlife Enforcement of the Association of Southeast Asian Nations and other relevant networks to facilitate the exchange of information and best practices with the objective of improving the mechanisms for justice and police cooperation on the issues of trade and transiting of illegal acquired wildlife and illegal wildlife 'tourism'; and

- k) implement the ICCWC indicator framework for wildlife and forest crime with the assistance of ICCWC partners and monitor progress on those indicators.

Regarding monitoring of wildlife farms and related trade

Lao PDR shall

- l) disseminate and effectively implement Ministerial Decision No. 0188/MAF, dated 8 February 2019 on the *Establishment and Management of zoos, wildlife farms, centers for rehabilitation and breeding of wildlife and wild flora farms*;
- m) finalize the full audit of the tigers kept in captivity, combined with a marking scheme and genetic analysis of the animals to establish their origin in collaboration with relevant international organizations to comply with paragraph 1 g) of Resolution Conf. 12.5 (Rev. CoP17) on *Conservation of and trade in tigers and other Appendix-I Asian big cat species* and Decision 14.69; and
- n) establish an appropriate advisory committee with involvement of the CITES Secretariat and other relevant organizations and partners to provide advice on the transformation of commercial tiger farms.

Regarding awareness raising

- o) Lao PDR should continue to implement outreach campaigns targeted to raise awareness among nationals, traders, visitors and consumers from neighbouring countries about the laws and regulations of the State for the protection of fauna and flora.

Regarding capacity-building and technical assistance

- p) Parties, the CITES Secretariat, international non-governmental organizations and development partners shall make efforts to respond to the requests for capacity-building and technical support expressed by Lao PDR to implement the action plan and aim to coordinate their support to maximize effectiveness and minimize overlap.

The Standing Committee requested Lao PDR to submit a report to the Secretariat 90 days before the 73rd meeting of the Standing Committee on activities undertaken in the period February-December 2019 to implement the recommendations a) to p) in order for the Secretariat to convey this report and its comments and recommendations to the next meeting of the Standing Committee (SC73).

The Standing Committee at its 73rd meeting agreed to review progress made by Lao PDR and take appropriate compliance measures, including a recommendation to suspend trade in specimens of all CITES-listed species for commercial purposes if progress is considered insufficient.

During discussion of this agenda item, interventions were made by the representatives of Asia (Indonesia), Europe (Portugal) and North America (Canada); by the Lao People's Democratic Republic and the United States of America; and by the Environmental Investigation Agency speaking also on behalf of Animal Welfare Institute, Born Free Foundation, David Shepherd Wildlife Foundation, Humane Society Canada, Humane Society International, Japan Tiger and Elephant Fund, One More Generation, OSCAP, ProWildlife, Species Survival Network, Wildlife Friends Foundation Thailand, World Animal Net. and World Animal Protection.

10.2 Application of Article XIII in Guinea

The Secretariat introduced document SC71 Doc. 10.2, noting that it had completed the technical mission requested at SC69 earlier this year. It reported that it had been impressed by the commitment of Guinea's authorities with regard to CITES, but that it believed there was important to move forward cautiously. The Secretariat finally noted that Guinea had on 7 August 2019 published a decree on the implementation of CITES.

Guinea noted that the trade suspension in place since 2013 had given it an opportunity to make progress towards implementation of the Convention, particularly highlighting an improved ability to protect and manage fauna and flora through the adoption of new legislation, as well as increased levels of

enforcement and the elimination of fraudulent issuance of CITES permits from public administrations. Guinea asked for support from the Standing Committee in lifting the current trade suspension to allow export of a pre-Convention stockpile of 14,250 m³ of *Pterocarpus erinaceus*, noting that it was firmly committed to working towards better protection of its flora and fauna.

Committee Members and Parties commended Guinea on its progress. Many Members and Parties supported the recommendations proposed by the Secretariat and requested more detailed information regarding the safeguards to be put in place for the export of the stockpile of pre-Convention *Pterocarpus erinaceus* to ensure that the export would not be a driver of illegal logging. Some Parties spoke in favour of lifting the trade suspension and allowing the export of the stockpile. Parties also highlighted that borders between Guinea, Mali and Senegal were highly porous and that resources to tackle poaching and illegal trade were low.

The Standing Committee recommended that Guinea:

Regarding export of pre-convention specimens of Pterocarpus erinaceus

- a) adopt adequate safeguards to mitigate any potential risks associated with the export of a stockpile of pre-Convention *Pterocarpus erinaceus*, including a system to identify the logs to be exported and a possible establishment of a voluntary 'zero quota' for export of *Pterocarpus erinaceus* harvested after the inclusion of the species in Appendix II (i.e. after 2 January 2017);

Regarding national legislation

- b) adopt legislative measures that meet the CITES minimum requirements set out in Resolution Conf. 8.4 (Rev. CoP15) on *National laws for the implementation of CITES* and in accordance with the guidance provided under the National Legislation Project; this should include the issuance of a legally binding instrument on the functions and responsibilities of the CITES Management and Scientific Authorities;
- c) clearly define how CITES is implemented in Guinea with regard to trade in marine species (which may be outside the scope of the existing laws on fauna and on forestry);

Regarding management and issuance of CITES permits and certificates

- d) implement a system for the receipt and management of applications for CITES documents, and for the issuance, filing and monitoring of CITES documents, including use of secure paper and security stamps;
- e) develop a protocol for the making of non-detriment findings by the CITES Scientific Authority prior to the issuance of export permits;
- f) assess the capacity of the CITES Management and Scientific Authority as well as customs on CITES implementation, including the capacity to make non-detriment findings, and address any gaps and needs for training and capacity-building, with the relevant technical assistance, including from the CITES Secretariat, if requested and subject to available resources;
- g) consider establishing voluntary national export quotas for species expected to be in trade;
- h) every six months (starting January-June 2019) submit copies of CITES permits and certificates issued to the CITES Secretariat for information and monitoring;

Regarding compliance and law enforcement

- i) continue to investigate and prosecute cases of illegal trade in specimens of CITES-listed species, and inform the Secretariat of the results of any legal proceedings by submitting the annual illegal trade report in accordance with existing guidelines;
- j) establish a formal agreement between the CITES Management Authority (DNEF) and the Customs Service on collaboration, coordination and exchange of information;

- k) consider the implementation of the ICCWC *Indicator Framework for wildlife and forest crime* and request support from the CITES Secretariat in this regard; and
- l) develop a protocol for the management and disposal of seized and confiscated specimens (live and dead), taking into account the provisions of the Convention and the recommendations of Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*.

The Standing Committee invited Guinea to submit a report to the Secretariat on the implementation of these recommendations, in particular recommendation a) on safeguards, 90 days before the 73rd meeting of the Standing Committee for the Secretariat to convey the report and its recommendations to the Standing Committee at its 73rd meeting. The Standing Committee requested the Secretariat to provide capacity-building and training to Guinea upon request, subject to the availability of resources. This could include another mission to Guinea prior to the next meeting of the Standing Committee.

The Standing Committee instructed the Secretariat to issue a Notification to the Parties, replacing Notification No. 2013/017 of 16 May 2013 and recommending that Parties continue to suspend commercial trade with Guinea until the above-mentioned recommendations have been implemented to the satisfaction of the Secretariat. In this context, the Standing Committee agreed to consider the report on Guinea, the potential export of the stockpile of *Pterocarpus erinaceus* and the safeguards adopted at its 73rd meeting.

During discussion of this agenda item, interventions were made by the representatives of Africa (Niger), Europe (Hungary), North America (Canada) and of the Depositary Government (Switzerland); and by Guinea, Mali, Senegal and the United States of America.

10.3 Introduction from the sea of sei whale (*Balaenoptera borealis*) by Japan

The Secretariat introduced document SC71 Doc. 10.3. Japan reported to the Secretariat that it had ceased lethal sampling of sei whales (*Balaenoptera borealis*) from the North Pacific. It additionally noted that it did not intend to issue any Introduction from the Sea (IFS) certificates for sei whales from the North Pacific in future, except for biopsy samples obtained via non-lethal methods. Japan therefore considered the matter to be closed.

Committee Members and Parties agreed that technical remedial actions on permitting and reporting described in paragraph 9 of document SC71 Doc. 10.3 had been implemented. Committee Members and Parties also noted Japan's agreement to report to the Standing Committee for its review prior to the issuance of IFS certificates for sei whales from the North Pacific population in accordance with Article III, paragraph 5 (c) of the Convention, except for specimens obtained from non-lethal biopsy sampling. Any report submitted by Japan will include an explanation on how the issuance of the IFS certificates is in compliance with Article III, paragraph 5 (c) of the Convention. Unless and until the Standing Committee concludes that such an IFS certificate is compliant with the Convention, Japan will not issue an IFS certificate.

A new issue was raised regarding the actions Japan should take over existing stockpiles of sei whales that had been introduced under IFS certificates prior to the agreement at SC70 that IFS of sei whale meat and blubber from the North Pacific population was not in compliance with Article III, paragraph 5 (c), of the Convention. A number of Committee Members and Parties argued that Japan had a responsibility under Article VIII of the Convention to confiscate specimens that were traded in violation of the Convention and to dispose of them in accordance with Resolution Conf. 17.8, and suggested that the Standing Committee should request Japan to report on measures being taken to ensure the remaining stockpiles are not being used for primarily commercial purposes.

Japan considered that sei whales were no longer endangered, and that no whaling of the species occurred except that undertaken with strict controls within Japan's Exclusive Economic Zone (EEZ). Regarding its stockpiles of sei whale meat and blubber, Japan argued that there was no recommendation issued at SC70 relating to sei whale products introduced into its domestic market, and that the Convention did not provide for retroactive actions in these circumstances.

A number of NGO observers argued that Japan's IFS of sei whales from the North Pacific since 2002 had been found to be unequivocally non-compliant with the Convention at SC70, and that Article VIII of the Convention requires Parties to confiscate specimens that have been traded in violation of the treaty.

NGO observers noted that, according to recent surveys, sei whale meat and blubber remained widely available, particularly through online vendors. Another NGO observer, however, noted that Japan had worked towards implementing the recommendations directed to SC70, and that it would be more prudent to consider the matter closed.

The question of retroactivity was raised. The Secretariat understood that the question referred to the practical effects of the SC70 determination, not to the provisions of the Convention. In the text of the Convention, there is no reference to retroactivity and the only practical reference that may be found concerns the retrospective issuance of permits in Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates*. The Secretariat recommended to defer the retroactivity issue to SC73.

The Standing Committee noted that Japan would report to the Standing Committee prior to the issuance of the introduction-from-the-sea certificates the reasons on which it believes that the issuance of the IFS certificates is in compliance with relevant CITES provisions, except for biopsy samples taken with non-lethal method. Until the Standing Committee has confirmed that the transactions thus reported are in compliance with the Convention, the IFS certificates referred to would not be issued and therefore the IFS of such specimens would not take place.

The Standing Committee agreed that the compliance matters described in paragraph 9 of document SC71 Doc. 10.3 had been corrected by Japan and therefore can be considered resolved.

The Standing Committee requested Japan to report to the Secretariat 90 days before the 73rd meeting of the Standing Committee on the treatment of the specimens of sei whale meat and blubber introduced from the sea taking note of the Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*.

During discussion of this agenda item, interventions were made by the representatives of Africa (Niger), Central and South America and the Caribbean (Guatemala and Peru), Europe (Israel and the Russian Federation) and North America (Canada); by Argentina, Australia, the European Union, Japan, Senegal and the United States of America; and by the Animal Welfare Institute, speaking also on behalf of Born Free Foundation, Born Free USA, CATCA Environment and Wildlife Society, Center for Biological Diversity, Defenders of Wildlife, Environmental Investigation Agency, International Fund for Animal Welfare, Humane Society International, Japan Wildlife Conservation Society, Natural Resources Defense Council, ProWildlife, Robin des Bois, Shark Research Institute, Species Survival Network, Whale and Dolphin Conservation and World Animal Protection; and by OPES OCEANI.

11. National ivory action plans process

The Secretariat introduced document SC71 Doc. 11.

Committee Members and Parties generally supported the recommendations included in document SC71 Doc. 11 and called for closer collaboration and concrete actions to be taken on the ground.

Several Parties provided updates on efforts undertaken to develop and implement their National Ivory Action Plans (NIAPs) or National Ivory and Rhinoceros Action Plans (NIRAPs), or on actions taken to address poaching levels. They assured the Standing Committee that they remain committed to protecting their elephant populations. A number of Parties noted that the NIAP process had been useful and helped to reduce poaching and illegal trafficking. One Party raised concerns that the Secretariat was not recommending the entry of any new Parties into the NIAP process despite the data presented in the ETIS report for CoP18, particularly those that had been identified as having challenges with domestic ivory markets. One Party proposed amendments to the recommendations as presented in the document, but these were not agreed, and the recommendations were adopted without changes.

The Standing Committee agreed the following recommendations:

Implementation of Step 1 of the *Guidelines to the National Ivory Action Plans (NIAP) process*: Identification of Parties to participate in the NIAP process

Burundi

- a) The Standing Committee:
- i) agreed not to include Burundi in the NIAP process;
 - ii) requested Burundi to report on the status of its ivory stockpiles, including information on any activities conducted and findings made following the May 2015 letter of the Secretariat concerning ivory from the Burundi stockpile that allegedly made its way into illegal trade; and
 - iii) requested the Secretariat to make the report from Burundi available to the Committee at its 73rd meeting, together with any recommendations the Secretariat may have.

China, Kenya, Singapore, South Africa, Uganda, the United Arab Emirates and the United Republic of Tanzania

- b) The Standing Committee:
- i) agreed not to include China, Kenya, Uganda and the United Republic of Tanzania as Category B Parties and Singapore, South Africa and the United Arab Emirates as Category C Parties in the NIAP process;
 - ii) encouraged China, Kenya, Singapore, South Africa, Uganda, the United Arab Emirates and the United Republic of Tanzania to remain vigilant in their efforts to combat illegal trade in ivory, and to closely review trends to ensure that the activities and measures implemented respond effectively to illegal trade in ivory as it affects these countries; and
 - iii) requested the Secretariat, in accordance with Resolution Conf. 10.10 (Rev. CoP17), to continue to monitor elephant poaching and illegal trade in ivory as it relates to China, Kenya, Singapore, South Africa, Uganda, the United Arab Emirates and the United Republic of Tanzania, and to bring any matters of concern that may arise to the attention of the Committee.

Turkey

- c) The Standing Committee:
- i) agreed not to include Turkey in the NIAP process at present;
 - ii) requested Turkey to submit a report to the Secretariat on progress made and the results achieved in addressing illegal trade in ivory as it relates to Turkey;
 - iii) requested the Secretariat to continue to monitor progress in accordance with paragraph 9 of Resolution Conf. 10.10 (Rev. CoP17), and to make the report from Turkey available to the Standing Committee at its 73rd meeting, together with any recommendations the Secretariat may have; and
 - iv) agreed, on the basis of the report from Turkey and any recommendations from the Secretariat, at its 73rd meeting to consider if Turkey should be included in the NIAP process.

Zimbabwe

- d) The Standing Committee:
- i) agreed not to include Zimbabwe in the NIAP process;
 - ii) encouraged Zimbabwe implement measures to prevent illegal exports of worked ivory from Zimbabwe; and
 - iii) requested the Secretariat, in accordance with Resolution Conf. 10.10 (Rev. CoP17), to continue to monitor illegal trade in ivory as it affects Zimbabwe and to bring any matters of concern that may arise to the attention of the Committee.

Parties that did not submit their reports on progress with NIAP implementation to the 70th meeting of the Standing Committee (SC70, Sochi, October 2018), in accordance with the timeframe set in Step 4, paragraph a) of the *Guidelines*

Congo and Gabon

- e) the Standing Committee noted the progress made by Congo and Gabon in the implementation of their NIAPs, and agreed overall ratings of 'limited progress' for these Parties in line with Step 4, paragraph e), of the *Guidelines*.

Nigeria

- f) The Standing Committee:
- i) requested Nigeria to revise and update its NIAP in accordance with Step 2 of the *Guidelines*, to facilitate a more effective response to current ivory trafficking trends, taking into consideration the information contained in the ETIS report prepared for CoP18, and other matters related to Nigeria as highlighted in Annex 2 to document SC71 Doc. 11;
 - ii) encouraged Nigeria to seek support from the Secretariat in the revision and updating of its NIAP, to ensure that any revised and updated NIAP responds effectively to current wildlife crime trends affecting the Party, and that it aligns with and complements the ongoing Article XIII process concerning Nigeria; and
 - iii) requested Nigeria to submit the revised and updated NIAP to the Secretariat for assessment in accordance with Step 3 of the *Guidelines*, commence implementation as soon as the revised and updated NIAP is accepted as 'adequate' by the Secretariat, and provide associated reporting in accordance with the *Guidelines*.

Togo

- g) The Standing Committee:
- i) noted the progress made by Togo in the implementation of its NIAP, and agree an overall rating of 'limited progress' in line with Step 4, paragraph e), of the *Guidelines*;
 - ii) requested Togo to enhance efforts to progress the implementation of its NIAP actions between SC71 and SC73; and
 - iii) encouraged Parties, governmental, intergovernmental and non-governmental organizations and others to, where possible, provide financial and technical assistance to Togo.

Parties that 'achieved' their NIAPs

Egypt

- h) The Standing Committee:
- i) noted that Egypt did not revise and update its NIAP as requested by the Standing Committee at SC70 and at the present meeting reports that it has 'achieved' its NIAP;
 - ii) noted that Egypt is no longer identified by the ETIS report to CoP18;
 - iii) agreed an overall rating of 'achieved' in line with Step 4, paragraph e), of the *Guidelines*, and commend Egypt for achieving its NIAP;
 - iv) encouraged Egypt to complete the implementation of any NIAP actions that have not yet been 'achieved';
 - v) agreed that Egypt exit the NIAP process in accordance with Step 5, paragraph d), of the *Guidelines*; and

- vi) requested the Secretariat, in accordance with Resolution Conf. 10.10 (Rev. CoP17), to continue to monitor illegal trade in ivory as it relates to Egypt, and to bring any matters of concern that may arise to the attention of the Committee.

Malawi

- i) The Standing Committee:
 - i) agreed an overall rating of 'achieved' in line with Step 4, paragraph e), of the *Guidelines*, and commend Malawi for achieving its NIAP;
 - ii) encouraged Malawi to complete the implementation of any NIAP actions that have not yet been 'achieved';
 - iii) agreed that Malawi exit the NIAP process in accordance with Step 5, paragraph d), of the *Guidelines*; and
 - iv) requested the Secretariat, in accordance with Resolution Conf. 10.10 (Rev. CoP17), to continue to monitor illegal trade in ivory as it relates to Malawi, and to bring any matters of concern that may arise to the attention of the Committee.

Mozambique

- j) The Standing Committee:
 - i) requested Mozambique to revise and update its NIRAP in accordance with Step 2 of the *Guidelines*, taking into consideration recommendation p) iii) A to C agreed by the Standing Committee at SC70, and the findings in the ETIS report prepared for CoP18, to ensure that actions in the revised and updated NIRAP respond to current trends; and
 - ii) requested Mozambique to submit the revised and updated NIRAP to the Secretariat for assessment in accordance with Step 3 of the *Guidelines*, and commence implementation as soon as the revised and updated NIRAP is accepted as 'adequate' by the Secretariat, and provide associated reporting in accordance with the *Guidelines*.

During discussion of this agenda item, interventions were made by the representatives of Asia (China), Europe (Russian Federation) and of the Previous Host Country (South Africa); and by the European Union, Kenya, Malawi, Mozambique, Nigeria, Turkey, the United Republic of Tanzania and Zimbabwe.

12. Review of Significant Trade in specimens of Appendix-II species

The Secretariat introduced document SC71 Doc. 12, noting the additional recommendations detailed by the Animals Committee and Plants Committees in addenda SC71 Doc. 12 Add. 1 and SC71 Doc. 12 Add. 2. Regarding the recommendation for India to prepare a report on *Pterocarpus santalinus*, including the status of materials exported from plantations, the Secretariat noted that India had reported that its CITES Authorities were currently examining the assessment before submission. It had therefore asked the Secretariat for additional time. The Secretariat clarified that Togo would be retained within the Review of Significant Trade if Togo did not publish the quotas indicated in the recommendation.

The Standing Committee noted the on-going RST cases for animal and plant species/country combinations, as presented in Annexes 1 and 2 of document SC71 Doc. 12 respectively.

The Standing Committee noted that the Secretariat will continue to develop a strategic approach for assisting Parties under RST, taking into consideration any relevant decisions and recommendations adopted at CoP18, and report on progress at SC73.

Concerning on-going cases for fauna, the Standing Committee agreed the following recommendations:

- For *Triceros melleri* from Mozambique, the Standing Committee urged Mozambique to implement recommendations a), c), e), f) and g) by 31 December 2019 so that the matter can be considered at SC73, along with reviews of the suspensions for *Smaug mossambicus*, *Cordylus tripodosternum* and *Cycas thouarsii* from Mozambique. The Standing Committee requested the Secretariat, in consultation

with the Animals Committee, to work with Mozambique to identify and agree what specific assistance is needed in order for them to comply with the recommendations and to identify sources and a timeline for these activities to take place.

- For *Chelonoidis denticulatus* from Suriname, the Standing Committee urged Suriname to implement recommendations a) and b) by 16 September 2019 [by establishing, in agreement with the Chair of the Animals Committee and the Secretariat, a conservative quota for 2019 for live specimens of *Chelonoidis denticulatus* with a maximum straight carapace length (SCL) of 10cm]. The Standing Committee further urged Suriname to implement recommendations c) to g) by 31 December 2019 so that the matter can be discussed at SC73. The Standing Committee agreed that if Suriname fails to meet the deadline to implement recommendations a) and b) by 16 September 2019, it will request the Secretariat to publish a zero export quota as an interim measure, while encouraging Suriname to implement recommendations d) to g) by 31 December 2019 so that the matter can be discussed at SC73.
- For *Testudo graeca* from Jordan, the Standing Committee encouraged Jordan to implement recommendations d) to f) by 22 September 2019.
- For *Varanus ornatus* from Togo, the Standing Committee agreed to remove *Varanus ornatus* from the Review of Significant Trade, subject to the publication of export quotas of 25 wild live specimens and 350 ranched live specimens. The Standing Committee further urged Togo to provide a justification, based on best available scientific information, for any proposed increases to these export quotas to the Secretariat and the Chair of the Animals Committee for their approval.
- For *Amazona festiva* from Guyana, the Standing Committee requested the Secretariat to publish an interim quota of 60 live specimens of *Amazona festiva* per year; encouraged Guyana to review the interim quota on the basis of the results of the population studies referred to; and further urged Guyana to implement all outstanding recommendations by 22 September 2019.

Concerning on-going cases for flora, the Standing Committee agreed the following recommendations:

- For *Nardostachys grandiflora* from Nepal, the Standing Committee acknowledged the progress made by Nepal to implement the recommendations thus far; requested Nepal to communicate to the Secretariat a revised precautionary export quota for 2019, along with a scientific justification, in line with recommendation b) of the Plants Committee; and further requested Nepal to report on the implementation of recommendations d) and e), in time for the matter to be reviewed by the Plants Committee and considered at SC73. The Standing Committee also requested the Secretariat to publish as soon as possible a zero quota for wild specimens and to include the Plants Committee's comments in Addendum 2 to document SC71 Doc. 12 in its letter to Nepal.
- For *Prunus africana* from Cameroon, the Standing Committee acknowledged the progress made by Cameroon in the implementation of recommendations a) and b) of the Plants Committee; acknowledged the progress made by Cameroon in developing non-detriment findings for *Prunus africana* and making them publicly available on the CITES website; encouraged Cameroon to continue the implementation of remaining recommendations c) to e) by consolidating the information it has accrued on non-detriment findings, as well as through the implementation of the relevant project under the CITES Tree Species Programme; and encouraged Cameroon to report on the implementation of remaining recommendations c) to e) and any planned increases to the interim quota in accordance with recommendation c) in time for the matter to be considered at SC73.
- For *Pterocarpus santalinus* from India, the Standing Committee encouraged India to continue to provide regular annual updates to the Secretariat on the amount of confiscated *Pterocarpus santalinus* that remains in stock; and urged India to implement recommendation b) by 31 December 2019 at the latest.

During discussion of this agenda item, interventions were made by the representative of Europe (Hungary) and by the Chair of the Plants Committee

13. Implementation of Resolution Conf. 17.7 on Review of trade in animal specimens reported as produced in captivity: Report of the Secretariat

The Secretariat introduced document SC71 Doc. 13 and provided an oral update, thanking the European Union and the United States of America for providing funds for the implementation of Resolution Conf. 17.7. The Secretariat noted that an addendum to the document detailing the views of the Animals Committee and

its own final evaluations and recommendations available to the Standing Committee had not yet been produced, but that it would continue efforts to collect responses from all concerned Parties and engage in consultation with the Animals and Plants Committees to prepare a full document for consideration at SC73.

A Committee Member noted that it supported the general approach of the Secretariat, but discouraged delays to the process as Parties currently included in the review could potentially be in breach of the Convention. They also expressed regret that a few Parties had not responded to the Secretariat's enquiries, and encouraged them to do so.

The Standing Committee noted document SC71 Doc. 13 and the oral update by the Secretariat. The Standing Committee agreed to defer decision on appropriate actions and recommendations to the countries concerned by the Review of trade in animal specimens reported as produced in captivity to its 73rd meeting to allow for evaluation of the responses in the Annex to document SC71 Doc. 13 by the Animals Committee. For countries that have not yet responded, the Standing Committee agreed to extend the deadline to respond to 31 December 2019. In the absence of response, the Standing Committee requested the Secretariat to publish an interim zero export quota for the specimens of the species under review.

During discussion of this agenda item, interventions were made by the representatives of Europe (Hungary) and of North America (Canada); by the Chair of the Animals Committee and by World Parrot Trust.

14. Malagasy ebonies (*Diospyros* spp.) and palisanders and rosewoods (*Dalbergia* spp.): Report of Madagascar

Madagascar introduced document SC71 Doc. 14 (Rev 1), observing that it had taken note of the recommendations made to it at SC70. Madagascar confirmed that it was not intending on selling stockpiles of *Dalbergia* spp. and *Diospyros* spp. unless it could control the risk of any sales increasing illegal logging, and had sufficient administrative capacity to ensure forest controls. Madagascar additionally provided an overview of updates to legislation, successful and ongoing prosecutions, progress made on marking and creating inventories, and the revision of its use plans. It additionally noted that it had banned transport and sale of all timber with a view to gaining better control of operating licences, and asked for the support of Parties regarding collaborative efforts to tackle illegal trade.

Parties provided an update on recent seizures of rosewood from Madagascar and on the conservation status of *Dalbergia* spp.

The Standing Committee noted document SC71 Doc. 14 (Rev. 1).

During discussion of this agenda item, interventions were made by Madagascar, Singapore and Nepal.

Regulation of trade

15. Revised *Guidelines for the preparation and submission of CITES annual reports and Guidelines for the preparation and submission of CITES annual illegal trade reports*

The Secretariat introduced document SC71 Doc. 15. The United States of America suggested a minor amendment to the revised guidelines.

The Standing Committee adopted the revised *Guidelines for the preparation and submission of CITES annual reports* presented in Annex 1 of SC71 Doc. 15 and the revised *Guidelines for the preparation and submission of CITES annual illegal trade reports* presented in Annex 2 of SC71 Doc. 15 with the replacement of "entire fish" by "whole fish" for the definition of body (BOD).

During discussion of this agenda item, an intervention was made by the United States of America.

16. Implementation of aspects of Decisions 17.171 to 17.172 on *Stocks and stockpiles (elephant ivory)*

19. Facilities which may be of concern keeping Asian big cats (*Felidae* spp.) in captivity

and

21. Tortoises and freshwater turtles (*Testudines* spp.): Report of the Secretariat

The Standing Committee noted document SC71 Doc. 16, SC71 Doc. 19, and SC71 Doc. 21, and that further oral reports on the subjects concerned will be provided at CoP18.

There were no interventions.

Exemptions and special trade provisions

17. Registration of operations that breed Appendix-I animal species in captivity for commercial purposes: Registration of the operation "Earth Ocean Farms S. de R.L. de C.V." breeding *Totoaba macdonaldi*

The Secretariat introduced document SC71 Doc. 17.

Mexico noted that it had provided detailed information to prove that Earth Ocean Farms S. de R.L. de C.V. breeding *Totoaba macdonaldi* met the requirements outlined in Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*. It noted that totoaba has been successfully produced in aquaculture in Mexico for two decades and that it was successfully sold in its national market. It noted that Earth Ocean Farms S. de R.L. de C.V. had released thousands of totoaba into the wild (40,000 were released last month alone), and that this was contributing to the conservation of the species. Mexico stated the specimens released into the wild have different genetic markers to those that are sold commercially. Traceability is thus maintained, and there is no mixing between specimens bred for wild release and specimens bred for commercial trade. Mexico considered that trade in captive bred individuals was a way of lowering the price for the species in illegal trade. Mexico noted that it was conscious of the critical situation of the vaquita, but reminded the Standing Committee that the Convention recognised that peoples and States are and should be the best protectors of their own wild fauna and flora. Finally, Mexico noted that, at the present time, Earth Ocean Farms S. de R.L. de C.V. did not intend to export totoaba swim bladders, and that if it were to do so, it would provide the Standing Committee with due notice.

Committee Members and Parties expressed differing opinions on whether the application of Earth Ocean Farms S. de R.L. de C.V. could be accepted. Some Committee Members and Parties echoed concerns raised by Israel and the United States in their objection to the registration of the facility because of questions relating to monitoring, traceability, effects on the demand for totoaba products, and the potential impacts of exporting captive bred individuals on wild populations, and agreed that it would be imprudent to make a decision before the results of the Secretariat's high level mission and the study analysing the potential impact of legal trade in totoaba could be considered in detail. However, other Committee Members considered that the requirements for the registration of the facility as outlined in Resolution Conf. 12.10 (Rev. CoP15) had been met, and that allowing export of captive bred specimens of totoaba would provide a sustainable alternative to illegal fishing and could in fact be beneficial to the conservation of wild totoaba.

NGO observers highlighted the threat posed to the vaquita by illegal fishing of totoaba, and argued that further efforts on law enforcement were needed to reduce illegal trade. They argued that, if approved, the breeding facility would stimulate demand for totoaba swim bladders and that illegal trade would increase.

The Standing Committee noted the information provided by Mexico and the objections by Israel and the United States of America and agreed to defer its decision on the registration of the operation "Earth Ocean Farms S. de R.L. de C.V." breeding *Totoaba macdonaldi* to its 73rd meeting.

During discussion of this agenda item, interventions were made by the representatives of Africa (Niger), Asia (China and Kuwait), Central and South America and the Caribbean (Guatemala and Peru), Europe (Israel and Portugal), North America (Canada) and Oceania (New Zealand); by Mexico and the United States of America; and by the Center for Biological Diversity speaking also on behalf of the Animal Welfare Institute, Defenders of Wildlife, the International Fund for Animal Welfare, Natural Resources Defense Council and Sea Shepherd Legal.

18. Illegal trade in cheetahs (*Acinonyx jubatus*): Report of the working group

Kuwait, as Chair of the intersessional working group on cheetahs, introduced document SC71 Doc. 18 (Rev. 1). A Committee Member suggested a minor amendment to the text to the document's recommendations. A Party stressed the value of awareness raising and having the cheetah trade resource kit translated into French and Arabic.

The Standing Committee requested that the Secretariat, in the finalization of the CITES cheetah trade resource kit, take into consideration as appropriate, the comments and proposals presented in Annexes 1 and 2 to document SC71 Doc. 18 (Rev. 1) and to make the CITES cheetah trade resource kit available in English on the webpage on cheetahs on the CITES Secretariat website, in a printable format.

The Standing Committee encouraged all countries involved in the illegal trade in cheetahs to translate the CITES cheetah trade resource kit in their own language.

During discussion of this agenda item, interventions were made by the representatives of Asia (Kuwait) and of Europe (Portugal) and by Mali.

20. Conservation of and trade in African and Asian rhinoceroses (Rhinocerotidae spp.): Report of the Secretariat on Viet Nam

The Secretariat introduced document SC71 Doc. 20. A Committee Member noted the efforts made by Viet Nam to implement its National Ivory and Rhinoceros Action Plan but indicated that further efforts were required in view of Viet Nam's major role in the illegal trade chain for ivory and rhinoceros horn. It thus suggested a number of amendments to the recommendations presented in the document, adding text focusing on Viet Nam's Penal Code of 2017 and on arrests, prosecutions and convictions for offences involving illegal trade.

- a) The Standing Committee encouraged Viet Nam, through the implementation of its NIRAP:
 - i) to pursue the analyses of information to identify organized crime groups involved in illegal rhinoceros horn trade in the country, and the locations in Viet Nam where they operate;
 - ii) to undertake investigations and operations involving all relevant authorities to halt these activities; and
 - iii) review the Penal Code 2017, in particular regarding existing exemptions on legal trade, so that the current legislation sufficiently responds to illegal trade.
- b) The Standing Committee requested Viet Nam to include, in its report on the implementation of its NIRAP to SC73, the status of activities conducted regarding recommendation a) i) and ii) and to ensure that, as part of that report, the reporting on the implementation of Penal Code 2017 includes further information on arrests, prosecution and convictions as well as details on the outcome of cases and administrative penalties imposed for offences involving illegal trade committed at both border points and domestic markets in Viet Nam;
- c) In the absence of a report as required under b) above, the Standing Committee may wish to consider appropriate measures, in accordance with Resolution Conf. 14.3 on *CITES compliance procedures*.

During discussion of this agenda item, an intervention was made by the representative of Europe (Portugal).

22. Any other business

The Chair noted that she intended to establish a number of working groups at SC72 to address instructions given to the Committee at CoP18. For those Parties unable to attend the meeting, the Chair noted that a follow-up Notification will be issued to allow Parties to indicate their interest in joining particular working groups.

There was no decision taken by the Standing Committee.

23. Determination of the time and venue of the 72nd meetings

The Standing Committee noted that its 72nd meeting would be held immediately after the close of CoP18, on 28 August 2019.

24. Closing remarks

The Chair thanked all participants for their cooperation and closed the meeting at 17h.